

DOUGLAS A. DUCEY
GOVERNOR



VICTORIA WHITMORE
EXECUTIVE DIRECTOR

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., STE. 4600 PHOENIX, ARIZONA 85007

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MINUTES

March 17, 2021

Board Room A, at 8:30 a.m.

1740 W. Adams Street, Board Room A
Phoenix, Arizona 85007

Members Present: Mr. Jim Loughead, Ms. Jessica Creager (telephonic), Ms. Jane Solomon, Ms. Nikki Frost, CVT (telephonic), Dr. Greg Byrne, and Dr. Robyn Jaynes (in person then telephonic from 12:45pm – 3:35pm).

Members Absent: Dr. Sarah Heinrich and Dr. Darren Wright.

Staff and Legal Counsel Present: Ms. Victoria Whitmore, Executive Director; Mr. Marc Harris, AAG (Assistant Attorney General); and Ms. Tracy Riendeau, CVT, Senior Medical Investigator.

I. CALL TO ORDER

Roll call: Ms. Whitmore at 8:30 a.m.

II. INITIAL INVESTIGATIVE REVIEW AND ACTION ON THE FOLLOWING CASES:

1. 21-20, In Re: Kelly Collins, DVM

Attorney David Stoll was present to monitor. Mr. Jacob Hamby was present and made statements. After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Solomon to **table** this matter to a future Board meeting to obtain additional information. Motion passed unanimously.

2. 21-21, In Re: Brett Cordes, DVM

Dr. Cordes was present with attorney David Stoll and made statements. Ms. Anna Schwartz was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Byrnes to schedule this matter to an **Informal Interview**. Motion passed unanimously.

3. 21-22, In Re: Danielle Simons, DVM

Ms. Karlee Goodbody was present telephonically for monitoring. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Byrne to schedule this matter to an **Informal Interview**. Motion passed unanimously.

4. 21-23, In Re: Cameron Folkers, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Frost to schedule this matter to an **Informal Interview**. Motion was unanimously.

5. 21-24, In Re: Cameron Folkers, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Jaynes to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

6. 21-25, In Re: Julianne Miller, DVM

After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Jaynes to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 21-06: In Re: Amy Coy, DVM

Dr. Coy was present with attorney David Stoll, made statements, and answered questions. Ms. Crystal Provost was present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes to find Dr. Coy in violation of:

- **A.R.S. § 32-2232 (11) Malpractice**; treatment in a manner contrary to accepted practices and with injurious results. Whether direct or indirect supervision occurred, Respondent was responsible to ensure the dog recovered from anesthesia as expected. The SQ emphysema was not noticed nor the extreme sedation the dog experienced. Additionally, the dog obtained thermal burns as a result of a warming device used under Respondent's care.

Roll call: Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

2. 21-05: In Re: Julie Green, DVM

Dr. Green was present with attorney David Stoll, made statements, and answered questions. Mr. Ismael Angulo was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Byrne to dismiss this issue with no violation and issue a **Letter of Concern** with respect to communication – Respondent should have advised Complainant of the closest emergency facility and the safest way to transport the dog in its current condition.

3. 21-12: In Re: Christine McCormick, DVM

Dr. McCormick was present with attorney David Stoll, made statements, and answered questions. Ms. Terris Inches was present, made statements, and answered questions. Ms. Sandi Inches made statements and answered questions through sign language interpreter Tara Furcini. After discussion and consideration, a motion was made by Dr. Byrne and seconded by Dr. Jaynes to **dismiss** this issue with no violation. Roll call: Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

4. 21-13: In Re: Justin McCormick, DVM

Dr. McCormick was present telephonically, made statements and answered questions. Attorney David Stoll was present. Ms. Terris Inches was present, made statements and answered questions. Ms. Sandi Inches made statements and answered questions through sign language interpreter Tara Furcini. After discussion and consideration, a motion was made by Dr. Byrne and seconded by Dr. Jaynes to **dismiss** this issue with no violation. Roll call: Dr. Byrne, aye; Ms. Frost, aye; Ms.

Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Solomon, aye. Motion passed unanimously.

5. 21-51: In Re: Shantibhushan Jha, DVM

Ms. Frost was recused. Dr. Jha was present telephonically, made statements, and answered questions. Mr. Delmo Uschenko was present telephonically, made statements, and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Solomon to dismiss this issue with no violation and issue a **Letter of Concern** with respect to ensuring there is a proper triage process in place as well as ensuring proper communication is occurring between the technical staff, the veterinarian, and the pet owner regarding the current status of the pet's condition. Roll call: Dr. Byrne, aye; Ms. Frost, recused; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Solomon, aye. Motion passed 5 ayes, 1 recusal.

6. 21-04: In Re: Bernard Cohen, DVM

Dr. Cohen was present telephonically, made statements, and answered questions. Attorney David Stoll was present. Ms. Elizabeth Sommers was present, made statements, and answered questions. After discussion and consideration a motion was made by Dr. Jaynes and seconded by Ms. Frost to find Dr. Cohen in violation of:

- **A.R.S. 32-2232 (12) as it relates to A.A.C. R3-11-502 (C)** for failure to provide the pet owner an estimate for veterinary services provided to the dog.

Roll Call: Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Solomon, aye. Motion passed unanimously.

7. 20-87: In Re: Virginia Kern, DVM – Continuance of Informal Interview of February 17, 2021 for the purpose of receiving additional information and reviewing possible action to approve proposed Findings of Fact, Conclusions of Law, and adopting an Order or may take action to move the case to a Formal Hearing.

Attorney David Stoll was present to monitor:

- ❖ At 10:59am, a motion was made by Ms. Solomon and seconded by Dr. Jaynes to go into Executive Session for legal advice. Motion passed unanimously.
- ❖ At 11:04am, the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Solomon and seconded by Dr. Jaynes to schedule this matter to a **Formal Hearing**. Roll call: Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Solomon, aye. Motion passed unanimously.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 19-71: In Re: Celeste Roy, DVM. Monthly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Roy was present in compliance with her Consent Agreement, made statements and answered questions.

2. 20-107: In Re: Erin Hisrich, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Hisrich was present in compliance with her Consent Agreement, with attorney Flynn Carey, made statements and answered questions.

3. 20-14: In Re: Virginia Kern, DVM. Board may review, discuss, and take action on Practice Monitor report and Board staff inspection report regarding East Mesa Animal Hospital, License No. P0117.

Attorney David Stoll was present to monitor.

- ❖ At 9:48am, a motion was made by Ms. Solomon and seconded by Dr. Jaynes to go into executive session for legal advice. Motion passed unanimously.
- ❖ At 10:09am, the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Solomon and seconded by Dr. Jaynes to open a new investigation based on the recent premises inspection findings. Motion passed unanimously.

4. 20-59: In Re: Garrel Geiger, DVM. Board may review, discuss, and take action on completion of continuing education as required by Consent Agreement and may return license to Active status.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Byrne to accept Dr. Geiger's completion of continuing education in compliance with his Consent Agreement and return his license back to Active status. Motion passed unanimously.

5. 20-83: In Re: Hugo Santibanez, DVM. Board may review, discuss, and take action on request to extend timeframe for submission of Continuing Education plan required by Board Order.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Jaynes to grant Dr. Santibanez's request and extend his timeframe for submission of his continuing education plan in compliance with his Board Order to April 2021. Motion passed, 5 ayes, 1 nay (Ms. Frost).

6. 20-29: Manuel Cruz Castanedo, DVM. Board may review, discuss, and take action on compliance with Consent Agreement and may return license to active status.

After discussion and consideration, a motion was made by Ms. Solomon and seconded by Dr. Jaynes to accept Dr. Cruz's compliance with his Consent Agreement and return his license to Active status.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action Change of Scope Request(s):

- a. R3576: Brown Road Animal Clinic. Add exotic and avian services to the scope of services provided. Jamie Todd, DVM

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Byrne to approve the above premises Change of Scope request. Motion passed unanimously.

2. Board may review, discuss, and take action on NAVLE® State Letter of Agreement for Direct Approval of NAVLE® Candidates.

Agenda item pended to a future date.

3. Board may review, discuss, and take action on legislative bills:

- a. HB2454: telehealth; health care providers
- b. HB2368: veterinarians; malpractice; unprofessional conduct; action
- c. SB1149: occupational and professional licensure; notice
- d. HB2267: Professional licensure fees; waiver; reduction
- e. SB1353: Anti-rabies vaccinations; rabies titer

Ms. Whitmore updated the Board on the current status of the above legislative bills.

4. Board may review, discuss, and take action on American Association of Veterinary State Boards' Regulatory Task Force Draft Guidelines for CBD (Cannabidiol) Use on Companion Animals.

No action taken.

5. Board may review, discuss, and take action on American Association of Veterinary State Boards' standards and policies for the forthcoming PAVE (Program for the Assessment of Veterinary Education Equivalence) for veterinary technicians.

No action taken.

6. Assistant Attorney General Report

- a. Update on Court of Appeals decision in Case No. CA-CV-20-0219, in re: Adriana Stinnett, DVM (Board Case 18-47).

Tabled to future Board meeting.

- b. Discussion regarding Open Meeting Law as it relates to the Call to the Public.

Tabled to future Board meeting.

7. Board may review, discuss, and take action regarding the adoption of protocols for conducting the Call to the Public agenda item.

Tabled to future Board meeting.

8. Board may review, discuss, and take action on request from San Diego County Veterinary Medical Association (SDCVMA) to approve the 2021 SDCVMA Spring Veterinary Conference for continuing education credit for Arizona licensees and certificate holders.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Byrnes to approve the 2021 SDCVMA Spring Veterinary Conference for continuing education credit for Arizona licensees and certificate holders. Motion passed unanimously.

9. Board may review, discuss, and take action on veterinary license applications:

- a. Janel Schietzelt

Board directed staff to obtain additional information and bring back to the Board at a future Board meeting.

- b. George Stroberg

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Solomon to approve Dr. Stroberg to take the State exam. Motion passed unanimously.

10. Board may review, discuss, and take action on request for approval of Continuing Education credit for "Dysnatremias" course offered by 1st Pet Veterinary Centers in May 13-15, 2021.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Solomon to approve one (1) hour of continuing education provided by Dr. Smith for veterinarians and CVTs and requested additional on course curriculum before approving any other continuing education be offered by 1st Pet Veterinary Centers on May 13-15, 2021. Motion passed unanimously.

11. Board may review, discuss, and take action to review licensing procedures adopted in April 2020 related to COVID-19 and may return requirements for payment of application fee and license/certificate issuance fees back to pre-COVID requirements.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Solomon to return licensing procedures back to pre-Covid requirements with respect to application and issuance fees beginning April 1, 2021. Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

1. February 17, 2021 Regular Session

After discussion and consideration, a motion was made by Ms. Solomon and seconded by Ms. Creager to approve the February 17, 2021 Regular Session minutes. Motion passed 5 ayes, 1 abstention (Dr. Byrne).

2. February 17, 2021 Executive Session

After discussion and consideration, a motion was made by Ms. Solomon and seconded by Ms. Frost to approve the February 17, 2021 Executive Session minutes. Motion passed 5 ayes, 1 abstention (Dr. Byrne).

VII. SUMMARY OF CURRENT EVENTS

No current events.

VIII. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, April 21, 2021**, beginning at **8:30 a.m.** at 1740 W. Adams Street, Board Room "A," Phoenix, Arizona 85007. One or more Board members may appear telephonically.

IX. ADJOURNMENT

Meeting was adjourned at 3:35p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director